

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 294

CASE NO. 78-29

September 13, 1979

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on March 26, and July 12, 1979 in Room 11-A at the District Building, 1350 E Street, N.W., Washington, D.C. At these hearing sessions, the Zoning Commission considered an application from the Government of Iran to amend the Zoning Map of the District of Columbia.

### FINDINGS OF FACT

1. The application requests a change of zoning from R-1-A to D/R-1-A for lots 2, 9, and 821 in square 2145, located on the west side of the 2500 block of 30th Street, N.W. The site is approximately 62,150 square feet in area.
2. The existing R-1-A zoning permits single-family detached dwellings with a minimum lot area of 7500 square feet, a minimum lot width of seventy-five feet, a maximum lot occupancy of forty per cent, and a maximum height of three stories/forty feet. The proposed D/R-1-A District permits the same use and area standards described in the R-1-A District, and also permits chancery use up to a maximum floor area ratio (FAR) of 1.5 with a mandatory compatibility review by the Board of Zoning Adjustment (BZA).
3. The applicant requests the change of zoning to permit the existing building at 2500 - 30th Street, N.W. to be used as an annex to the existing chancery located on Massachusetts Avenue.
4. The site consists of three contiguous lots, numbered 2, 821 and 9. The middle lot, #821, is the only improved lot and contains a mansion-like structure known as 2500 - 30th Street, N.W. The house was formerly used as a single family dwelling, but has been vacant for some time.

5. The site abuts extensive park land and the Embassy and Chancery of the Union of South Africa to the north, the existing Embassy and Chancery of Iran to the west, and a residential property at 2520 - 30th Street to the east. Across 30th Street between Edgevale Terrace and Massachusetts Avenue are six properties; four of which are residences. The remaining two are occupied by the Embassies of Saudia Arabia and Sri Lanka.
6. The area is predominantly residential, and chancery-related in use. The chancery related uses are generally confined to the frontage along Massachusetts Avenue. The area off of Massachusetts Avenue is primarily residential in use.
7. The zoning pattern of the immediate surrounding area is R-1-A, R-1-B, D/R-1-A, and D/R-5-A.
8. The applicant, through counsel and by testimony presented at the public hearing, indicated that the existing building on the site was restored after the applicant acquired the property in 1975 and will be used for chancery purposes, subject to favorable action by the Zoning Commission. The top floor of the building at 2500 - 30th Street, N.W. would be used to accommodate approximately fourteen people and the first and second floors would be used for conferences or ceremonial activities.
9. The applicant testified that no additional buildings would be constructed on the site. Access to 2500 - 30th Street would be mainly from the existing embassy/chancery grounds. The entrance to the building on 30th Street would not be used either by vehicular or pedestrian traffic, except by the caretaker or for emergencies.
10. In the statement accompanying the application, the applicant stated that the chancery functions of the Government of Iran had increased beyond the level contemplated when the chancery on Massachusetts Avenue was constructed in 1960. The applicant also indicated that additional space was needed to relieve the overcrowded conditions in the existing chancery which had resulted from insufficient space.

11. Subsequent to the filing of the application, the Government of Iran changed. The representative of the applicant stated that it was the desire of the Government to proceed with the application. However, the applicant was unable to give any detailed information concerning the future use of the premises. The applicant indicated that because of the recent change of Government in Iran and consequential personnel changes, no definite plans have been developed. The applicant further indicated that the Government of Iran is currently consolidating offices in order to decrease expenditures.
12. The Commission finds that in this case there is insufficient evidence of the applicant's need for expanded chancery facilities to support an expansion of the Diplomatic District into the adjacent neighborhood.
13. The District of Columbia Office of Planning and Development (OPD) by memorandum dated 3-23-79 and by testimony presented at the public hearing, recommended denial of the application because the proposed extension of the "D" zone mapping into the residential area was excessive. The OPD indicated that the Zoning Commission in its decision of September 14, 1978 established and mapped a new Diplomatic (D) District, pursuant to the adoption of the Foreign Missions and International Agencies Element of the Comprehensive Plan by the National Capital Planning Commission (NCPC). The purpose for the establishment of the "D" District was to permit the location of chanceries in certain areas of the city, with BZA approval. The OPD was not convinced that the Government of Iran could not accommodate its expansion needs in a new annex adjacent to its existing chancery, so that only Lot 9 would require D Zoning. This lot falls partially within the soft-edge area designated in the comprehensive plan element for embassies and chanceries. The OPD believed that an alternative solution utilizing this approach or other approaches should be explored, and that the present application be denied. The Commission concurs with the OPD that the applicant has not proven why the application should be granted.

14. The U.S. Department of State, by letter dated January 24, 1979 and by testimony presented at the public hearing, supported the application. The Department stated that the matter involves Federal interests related to the conduct of the U.S. foreign relations. The Department further stated that the proposed rezoning appears to be fully appropriate, does not create significant adverse impacts and meets approval. The Commission does not concur with the statement that the rezoning is fully appropriate, for the reasons stated in this Order.
15. The National Capital Planning Commission, at it's meeting held on March 8, 1979, as presented by testimony at the hearing, reported that the proposed rezoning will not be inconsistent with the Comprehensive Plan for the National Capital provided that (a) no additional buildings are permitted to be constructed on the site; (b) the property is screened from public view along 30th Street and along adjacent property lines (c) no vehicular access to the site is permitted from 30th Street and the existing vehicular entrance and driveway at 2500 - 30th Street, N.W., is limited to service and emergency use; and (d) all embassy and chancery traffic is required to enter and exit the site solely from Massachusetts Avenue. The applicant stated in the public hearing that the Government of Iran had no objection to these conditions. The Commission accepts the findings of the National Capital Planning Commission that the proposed rezoning would not be inconsistent with the Comprehensive Plan if certain conditions are met.
16. Advisory Neighborhood Commission - 3C, by letter dated January 29, 1979, by statement marked as Exhibit No. 30 of the record, and by testimony presented at the public hearing opposed the application because the proposal would extend the "D" District "into an exclusively residential community lying northeast of the present zone boundary of the D/R-1-A zone along Massachusetts Avenue, N.W." ANC-3C further opposed the OPD alternative proposal of rezoning the balance of lot 9 from R-1-A to D/R-1-A, and the NCPC's conditional recommendation.
17. Advisory Neighborhood Commission - 3C and the neighborhood residents represented by counsel challenged the jurisdiction of the Zoning Commission to hear and decide this case. Specifically, they allege that the Zoning Commission lacks jurisdiction to amend the Zoning Regulations and Map relating to chanceries, as adopted by Orders No. 236 and 237 dated September 14, 1978, because of the proscriptions against any new chanceries and chancery annexes in residential areas contained in the Chancery Act of 1964, D.C. Code Section 5-418(c).

The Commission has in the Statement of Reasons which accompanied Orders No. 236 and 237, already stated it's belief that the Diplomatic Districts does not conflict with the provisions of the Chancery Act.

18. The Advisory Neighborhood Commission also submitted a list of Supplemental Issues and Concerns, as part of the statement marked as Exhibit No. 30 of the record. Those issues and concerns included the present use of part of lot 9 for parking, the distinction between chancery and chancery annex, the level of non-permitted uses in the existing and proposed chancery, the level of traffic generated, and others.
19. Several residents and owners of property in the area of the subject site appeared as a party in opposition to the application and indicated that the existing building at 2500 - 30th Street, N.W. was already being used as a chancery. The citizens expressed concern that the parking lot at the rear of the existing chancery of Iran building was visible from 30th Street, that there were florescent lights installed in the top floor of the building at 2500 - 30th Street which were distracting and that the neighborhood had been impacted by demonstrations and increased traffic in the past.
20. The Zoning Commission is required by statute to give "great weight" to the written issues and concerns of the Advisory Neighborhood Commission. As to these issues and concerns, and the other issues raised in opposition, the Commission has previously found that it has the jurisdiction to consider the application. The Commission has also found that the applicant failed to prove that there was sufficient justification for the extension of the Diplomatic District into the residential areas off of Massachusetts Avenue. The Commission therefore finds it is unnecessary to address the other Supplemental Issues raised by the ANC.
21. As to the allegations of the improper use of 2500 - 30th Street, N.W. by various citizens, the Zoning Commission instructed the staff to request an interior inspection of the building by the Zoning Administrator to make a finding as to it's use. The staff of the Zoning Administrator's office inspected the building and by memorandum dated May 2, 1979, reported that on the day of the inspection, April 11, 1979, "from all appearances the building was not being used in violation of the D.C. Zoning Regulations." The report of the Zoning Administrator was admitted into the record at the further hearing held on July 12, 1979. The Commission finds that the building was not being used for chancery purposes at the time the inspection was made.

22. Subsequent to the close of the record, the applicant withdrew from consideration the request to rezone lot 2, which is the northernmost of the three lots and the one furthest away from Massachusetts Avenue, N.W. The Commission did not entertain that withdrawal as it was not a part of the record. The Commission notes however, that the inclusion or exclusion of that lot from the application does not effect the basis of the decision contained herein.

#### CONCLUSIONS OF LAW

1. The proposed change would not be consistent with the purpose of the Zoning Act (Act of June 20, 1938, 52 Stat. 797) in that it would not promote a favorable distribution of land uses.
2. The change of zone to D/R-1-A would not promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
3. The proposed change would result in an unwarranted expansion of chancery uses into a stable and low density residential area.
4. The change of zone from R-1-A to D/R-1-A would not be inconsistent with the Comprehensive Plan for the National Capital. However, for the reasons stated in this order, the application must be DENIED.
5. The Zoning Commission has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled.

#### DECISION


In consideration of the Findings of Fact and the Conclusions of Law herein, the Commission orders DENIAL of the following request to amend the Zoning Map:

Change from R-1-A to D/R-1-A Lots 2, 821, and 9 in Square 2145, located on the west side of the 2500 block of 30th Street, N.W.

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Vote of the Commission taken at the public meeting of August 9, 1979: 5-0 (Commissioners Walter B. Lewis, George M. White, Theodore F. Mariani, and Ruby B. McZier, to DENY - Commissioner John G. Parsons, to DENY by PROXY).

  
RUBY B. McZIER  
Chair  
Zoning Commission

  
STEVEN E. SHER  
Executive Director  
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on September 13, 1979 by a vote of 4-0 (Walter B. Lewis, George M. White, Theodore F. Mariani and Ruby B. McZier to ADOPT, John G. Parsons not present, not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this Order is final on **17 SEP 1979**